

REMARKS

The issues outstanding in this case are as follows:

- Claims 1-7, 9-14, 19-20, and 24 have been rejected under 35 USC 102(e) over Yamauchi et al.; and
- Claims 15-18, 21-22 have been rejected under 35 USC 103(a) as being unpatentable over Yamauchi in view of Uematsu.

In response to the outstanding office action, the claims have been amended to recite that in the particulate carrier of the present invention, a nucleic acid and a carrier particle are bound by a hydrogen bond formed between a hydroxyl group *of the silica of the particulate carrier* and a base of the nucleic acid.

In contrast, in the acrylamide-covered particulate silica of Yamauchi, polyacrylamide may be bound to the silica particulate by a coupling agent having a hydroxyl group (e.g., the compound of Formula (4) on column 9). Therefore, to the extent that Yamauchi discloses a hydrogen bond between a hydroxyl group of a carrier particulate and a base of a nucleic acid, the hydrogen bond would be formed between a hydroxyl group of the *coupling agent* and a base of a nucleic acid, not between a hydroxyl group of *silica* and a nucleic acid base, as now claimed.

Thus, Yamauchi does not disclose the binding arrangement required by the claims as amended. Accordingly, claims 1-7, 9-14 and 19-20 of present application are patentable over Yamauchi.

Uematsu does not use the deficiency of Yamauchi with respect to the amended claims. Therefore, the inventions of claims 15-18 and 21-22 are patentable over the combined teachings of Yamauchi and Uematsu.

In view of the foregoing, reconsideration and withdrawal of the outstanding rejection is respectfully requested, and early notification of allowance is respectfully requested.

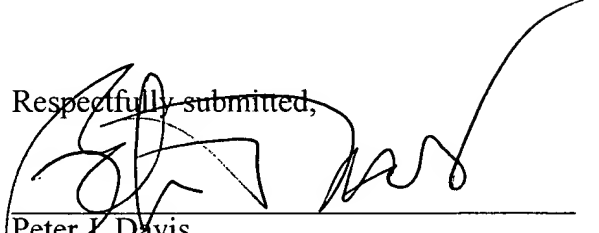
In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required,

Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **472552000100**.

Date: January 9, 2004

By:

Respectfully submitted,



Peter J. Davis
Registration No. 36,119
Morrison & Foerster LLP
1650 Tysons Blvd, Suite 300
McLean, VA 22101
Telephone: (703) 760-7748
Facsimile: (703) 760-7777